GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

STARRED QUESTION NO:558
ANSWERED ON:04.05.2005
GUIDELINES FOR STERILISATION PROGRAMMES
Madhwaraj Smt. Manorama

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Supreme Court has observed in a recent order that there is no uniformity in procedures and norms for ensuring the regulation of the guidelines framed by the Centre for sterilization programmes;

(b) if so, the details thereof and the reasons therefor;

(c) whether the court has directed all States and Union Territories to permit only doctors with five years gynecological experience to conduct sterilization programmes;

(d) if so, the details thereof alongwith the reaction of the Government thereto;

(e) whether the Union Government has prescribed any standard format and binding norms for payment of compensation in the event of death of a sterilized patient or incapacitation of a patient due to post-operative complications; and

(f) if so, the deails thereof?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. ANBUMANI RAMADOSS)

(a)to(f): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 558 FOR 4TH MAY, 2005

(a) The Supreme Court has observed in their order dated 1st March, 2005 in Writ Petition (Civil) No. 209/2003 filed by Ramakant Rai & another, that there is no uniformity with regard to the procedures or the norms followed by different States while following the guidelines laid down by the Union of India on sterilization programme.

(b) Some States such as Tamil Nadu and Andhra Pradesh are paying higher compensation than the other States in the event of death of a person sterilized or incapacitated due to postoperative complications. Some States such as Uttar Pradesh has modified the prescribed consent form to be signed by the client before the sterilization procedure starts. The Court has directed that the above modifications may be followed till they are revised by Government of India.

(c) and (d) The Court has directed that until Union of India lays down uniform qualifications for doctors entitled to carry out sterilization procedure, doctors with five years of gynecological experience should be permitted to carry out sterilization procedure. The Union of India had already laid down the qualifications for doctors who can perform sterilization procedures and hence no fresh guidelines need to be laid down for this purpose. However, as instructed by the Supreme Court, all the States have been requested to empanel the doctors who can perform sterilization as per the Guidelines.

(e) and (f) The Union Government has already laid down the following norms for payment of ex-gratia compensation:

1	death resulting from sterilization procedure	Rs. 50,000/-
2	for incapacitation resulting from sterilization	Rs.30,000/-
3	for treatment of postoperative complications resulting from sterilization procedure	Actual cost of treatment not exceeding Rs. 20,000

States are free to pay any amount beyond the above prescribed limits from their own resources.